

# **CITY OF ROSENBERG**

## **REGULAR COUNCIL MEETING MINUTES**

On this the 18<sup>th</sup> day of November, 2014, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

### **PRESENT**

Cynthia McConathy	Mayor Pro Tem
William Benton	Councilor at Large, Position 1
Jimmie J. Pena	Councilor, District 1
Dwayne Grigar	Councilor, District 3
Amanda Barta	Councilor, District 4

### **ABSENT**

Vincent M. Morales, Jr.	Mayor
Susan Euton	Councilor, District 2

### **STAFF PRESENT**

Robert Gracia	City Manager
Linda Cernosek	City Secretary
Scott Tschirhart	Attorney for the City
John Maresh	Assistant City Manager of Public Services
Jeff Trinker	Executive Director of Support Services
Joyce Vasut	Executive Director of Administrative Services
Dallis Warren	Police Chief
Wade Goates	Fire Chief
Larry Loesch	Battalion Chief
Bill Adams	Battalion Chief
Adam Carlin	Battalion Chief
Danny Johnson	Fire Lieutenant
Daryl Schmidt	Fire Lieutenant
Jeff Schumann	Fire Lieutenant
Matthew Hunter	Fire Lieutenant
Dwayne Ustynik	Fire Lieutenant
Troy Svatek	Fire Lieutenant
Clint Leopold	Driver Operator
Brandon George	Firefighter
Barbara Smolik	Administrative Assistant
Sherri Hathorn	Fire Clerk
Charles Kalkomey	City Engineer
Lisa Olmeda	Human Resources Director
Randall Malik	Economic Development Director
Travis Tanner	Executive Director of Community Development
Darren McCarthy	Parks and Recreation Director
Angela Fritz	Executive Director of Information Services
James Lewis	Information Services Manager
Kaye Supak	Executive Assistant
Tommy Havelka	Police Sergeant

**The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by Title 5, Chapter 551, of the Texas Government Code.**

### **CALL TO ORDER.**

Mayor Pro Tem McConathy called the meeting to order at 7:00 p.m.

### **INVOCATION AND PLEDGE OF ALLEGIANCE.**

Reverend Deborah Prihoda, First Assembly of God, Rosenberg gave the invocation and led the pledge of

allegiance to the flag.

#### **INTRODUCTION AND BADGE PINNING OF NEW FIREFIGHTERS.**

Wade Goates, Fire Chief introduced the new Firefighters. The Badge Pinning was performed by the Firefighters family members. The following Firefighters were pinned:

- |                  |                 |
|------------------|-----------------|
| ➤ Larry Loesch   | Battalion Chief |
| ➤ Bill Adams     | Battalion Chief |
| ➤ Adam Carlin    | Battalion Chief |
| ➤ Danny Johnson  | Fire Lieutenant |
| ➤ Daryl Schmidt  | Fire Lieutenant |
| ➤ Jeff Schumann  | Fire Lieutenant |
| ➤ Matthew Hunter | Fire Lieutenant |

#### **GENERAL COMMENTS FROM THE AUDIENCE.**

*Citizens who desire to address the City Council with comments of a general nature will be received at this time. Each speaker is limited to three (3) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.*

#### **COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.**

*Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at the time the item is considered. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.*

#### **CONSENT AGENDA**

##### **1. REVIEW OF CONSENT AGENDA.**

*All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.*

##### **A. CONSIDERATION OF AND ACTION ON WORKSHOP MEETING MINUTES FOR OCTOBER 28, 2014.**

##### **B. CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-42, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY DELETING ARTICLE III OF CHAPTER 26 THEREOF, AND SUBSTITUTING THEREFOR A NEW ARTICLE III OF CHAPTER 26; PROVIDING FOR PROPERTY TAX ABATEMENT GUIDELINES AND CRITERIA; AND PROVIDING FOR SEVERABILITY.**

**Executive Summary:** Chapter 312.002(a) of the Texas Property Tax Code requires that a taxing jurisdiction adopt guidelines and criteria (guidelines) in order to consider granting tax abatement to qualifying projects in the future. It further requires that those guidelines must be reauthorized every two (2) years (Chapter 312.002(c) of the Texas Property Tax Code).

The City of Rosenberg's guidelines were last adopted as Ordinance No. 2012-39 on November 06, 2012. In order to continue to have the ability to consider tax abatement, the City Council must adopt tax abatement guidelines. Staff has reviewed the existing guidelines and recommends re-adoption of the tax abatement guidelines. Refer to Ordinance No. 2014-42.

Staff recommends approval of Ordinance No. 2014-42 as presented.

##### **C. CONSIDERATION OF AND ACTION ON THE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING SEPTEMBER 30, 2014.**

**Executive Summary:** The Quarterly Investment Report for the quarter ending September 30, 2014, is presented for review as required by the City of Rosenberg Investment Policy and Public Funds Investment Act.

- Renewed Certificate of Deposit for \$2 million at a higher yield rate of 0.33% and invested an

additional \$2 million in the Certificates of Deposit Account Registry Service (CDARS) for a six (6) month period to ensure liquidity and increase diversification. CDARS are also safe since they are FDIC insured.

Staff recommends acceptance of the Quarterly Investment Report for the quarter ended September 30, 2014.

**D. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1875, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, BUDGET AMENDMENT 15-02 IN THE AMOUNT OF \$12,000.00 FOR POLICE DEPARTMENT TRAINING AND ROSENBERG CHRISTMAS NIGHTS DINNER.**

**Executive Summary:** As part of the Rosenberg Christmas Nights, the City is selling tickets for an evening dinner/theatre event. The ticket sales will be considered revenue by the City and offsetting expenses will be recorded to pay those providing the dinner and entertainment. This budget adjustment allows for the recording of revenues and offsetting expenses for the Rosenberg Christmas Nights Dinner/Theatre event in the amount of \$6,000.

This budget adjustment also provides \$6,000 for ethics training expense for the Rosenberg Police Department. Federal Forfeiture revenues from Fund Balance will be used to cover this cost.

Budget Amendment 15-02 is included as Exhibit "A" to Resolution No. R-1875. Staff recommends approval of Resolution No. R-1875 as presented.

**Action:** Councilor Benton made a motion, seconded by Councilor Grigar to approve the Consent Agenda Items A through D. The motion carried by a unanimous vote of those present.

#### **REGULAR AGENDA**

**2. REVIEW AND DISCUSS A PRESENTATION BY ARTIST ERIC KAPOSTA REGARDING PROPOSED SCULPTURE ADDITIONS TO SEABOURNE CREEK PARK, AND TAKE ACTION AS NECESSARY.**

**Executive Summary:** Ms. Joan Williams McLeod has requested an opportunity to propose the addition of sculpture(s) to Seabourne Creek Park. Ms. McLeod has invited artist Eric Kaposta to make a presentation to City Council regarding this proposal.

**Key discussion points:**

- Ms. Joan Williams McLeod gave a brief outline of proposed sculpture additions to Seabourne Creek Park.
- Eric Kaposta, 6109 W. 9<sup>th</sup>. Street, Houston, Texas provided a brochure of the work he does.
- Mayor Pro Tem McConathy thanked both Ms. McLeod and Eric Kaposta for the information. An item will be added to a future workshop for discussion regarding sculpture additions at Seabourne Creek Park.
- No action was taken on the item.

**3. CONSIDERATION OF AND ACTION ON PRESENTATION BY KIMBERLY BROWN, EXECUTIVE DIRECTOR, REGARDING THE HOUSING AUTHORITY OF THE CITY OF ROSENBERG ANNUAL REPORT FOR FISCAL YEAR ENDED SEPTEMBER 30, 2014.**

**Executive Summary:** The Housing Authority of the City of Rosenberg is mandated by US Department of Housing and Urban Development (HUD) to make an annual report to the Rosenberg City Council. Kimberly Brown, Executive Director, requested to be placed on the City Council Agenda in order to present the Fiscal Year ending September 30, 2014, Report to the Mayor and City Council.

**Key discussion points:**

- Kimberly Brown, Executive Director of the Housing Authority of the City of Rosenberg gave an annual report for Fiscal Year ended September 30, 2014.
- Mayor Pro Tem McConathy thanked Ms. Brown for the presentation.
- No action was taken on the item.

**4. REVIEW AND DISCUSS A PRESENTATION BY MORRIS ARCHITECTS REGARDING THE LIVABLE CENTERS STUDY, AND TAKE ACTION AS NECESSARY.**

**Executive Summary:** The Houston-Galveston Area Council (H-GAC) has selected Rosenberg for a

Livable Centers Case Study (Study) for the U.S. 90A corridor. The purpose of the Study is to facilitate a revitalization plan for the Highway 90A corridor through Rosenberg.

The H-GAC Board of Directors has approved a contract with Morris Architects to facilitate the Rosenberg/U.S 90A Livable Centers Study. Representatives of Morris Architects will attend the meeting to brief City Council on the Study and answer any questions regarding same.

**Key discussion points:**

- Randall Malik, Economic Development Director gave an overview of the item.
- Armandina Chapa with Morris Architects provided City Council with a brief on the Study and was available to answer questions.

**Questions:**

Q: Who will fund the Livable Centers Study?

A: The Rosenberg Development Corporation, Houston Galveston Area Council and West Fort Bend Management District.

Q: With one-way streets how will we go to the public? How often will we get a status report?

A: With a Workshop to involve stakeholders and clients and through utility bills and the website.

Q: It needs to be reiterated what Livable Centers are so we can get good input.

A: Yes, that will be done and the northern boundary is the railroad track and Avenue H.

Q: What are Livable Centers?

A: Livable Centers are walk able, mixed-use places that provide multimodal transportation options, improve environmental quality and promote economic developments. If there is accessible retail to shoppers you keep people from driving so far.

Q: How does this intertwine with our Comprehensive Plan?

A: We wrote our Comprehensive Plan at the overall transportation plan and with new development but there will be coordination on this plan.

Q: We don't want Avenue H and I to be a direct route for all the traffic to come through Rosenberg. When will this stop, when you reach Task 6 is it over then?

A: The proposal we wrote does not want people to just speed through Rosenberg.

Q: Are you aware we are going to have buses going through?

A: Yes.

Q: Does it incorporate all of 90A?

A: This boundary was defined but they will look beyond the boundaries of Avenue H.

- No action was taken on the item.

**5. REVIEW AND DISCUSS THE PROPOSED INSTALLATION OF POLE MOUNTED RADAR SPEED SIGNS ON CERTAIN STREETS WITHIN THE CITY OF ROSENBERG, AND TAKE ACTION AS NECESSARY.**

**Executive Summary:** This Agenda item was requested to allow City Council an opportunity to discuss potential locations for the installation of pole mounted radar speed signs, and to direct staff accordingly. The following three (3) locations were submitted by Councilor Benton for consideration:

1. Grunwald Heights Boulevard;
2. Wagon Wheel Lane; and,
3. Walnut Glen Lane in the Oaks of Rosenberg.

Additionally, staff has identified the following four (4) locations for such signage at the recommendation of the Police Department:

4. Lane Drive;
5. Southgate Drive;
6. Jones Street; and,
7. J. Meyer Road.

The equipment cost is approximately \$3,800.00 per sign. The labor and equipment to install and maintain each sign is provided by the Public Works Department.

**Key discussion points:**

- Discussion was held regarding the proposed installation of pole mounted radar on the streets as outlined in the Executive Summary and if funding is available the addition of Callendar Street and Elizabeth Street.
- Councilor Grigar expressed concern regarding no criteria for these devices and stressed the

need to outline a criterion.

- Councilor Barta stated she would like to visit with the citizens on Wagon Wheel Lane and the two roads that lead out to Spacek Road. Residents in the Oaks of Rosenberg want speed humps and officer presence.

**Questions:**

**Q:** What were the recommendations the Police Department made for the signs based on?

**A:** Some were cut through roads, such as Southgate and Lane Drive. There is a high volume of pedestrian traffic and school zone. There are a lot of traffic complaints in this area.

**Q:** Who should these people call to complain?

**A:** They should call Citizens Relations and the Police Department.

**Q:** What criteria are speed humps based on?

**A:** We have to have the HOA's permission. Other items such as distance from the intersection, etc, has to be considered.

**Action:** Councilor Benton made a motion, seconded by Councilor Barta to approve installation of pole mounted radar speed signs on Grunwald Heights Boulevard, Wagon Wheel Lane, Walnut Glen Lane in the Oaks of Rosenberg, Lane Drive, Jones Street, Brooks Street, and Callendar Street.

**Further discussion:**

- Joyce Vasut, Executive Director of Administrative Services stated we have some funding for traffic calming (\$30,000). We have spent approximately \$8,000. Fourteen signs at \$4,000 each will cost \$56,000. There is \$21,000 currently in the budget.
- Robert Gracia, City Manager stated staff will have to come back with a budget adjustment before we can do this.

**Upon voting – Yeses: Mayor Pro Tem McConathy, Councilors Benton and Pena. No: Councilor Grigar. Abstention: Councilor Barta.**

**Further discussion:**

- Councilor Grigar stated he would vote for it if it were amended and some sort of generic criteria added.

**Amended Motion:** Councilor Grigar amended the motion, seconded by Councilor Barta to add criteria for the areas and for all future radar signs. The motion carried by a unanimous vote.

**6. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1877, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN ADVANCE FUNDING AGREEMENT FOR BRIDGE REPLACEMENT OR REHABILITATION OFF THE STATE SYSTEM, BY AND BETWEEN THE CITY AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, REGARDING A PROJECT GENERALLY DESCRIBED AS REPLACEMENT OF THE W. FAIRGROUNDS ROAD BRIDGE OVER SEABOURNE CREEK.**

**Executive Summary:** Recently, the Texas Department of Transportation (TxDOT) submitted documentation regarding replacement of the W. Fairgrounds Road bridge over Seabourne Creek utilizing the "Off-System Bridge Replacement Program" (Program). City Council previously approved Resolution No. R-1843 on August 19, 2014, and Resolution No. R-1855 on September 02, 2014, authorizing participation in the Program and to utilize the "Participation Waived" form of project agreement. The local "Participation Waived" project will consist of the improvements to add drainage capacity to the Louise Street bridge over Dry Creek.

The Advanced Funding Agreement, attached as Exhibit "A" to Resolution No. R-1877, should now be the last document required to formalize the bridge replacement project.

Staff recommends approval of Resolution No. R-1877, which will authorize the City Manager to execute the Advance Funding Agreement for Bridge Replacement of Rehabilitation Off the State System for replacement of the W. Fairgrounds Road bridge over Seabourne Creek.

**Key discussion points:**

- John Maresh, Assistant City Manager of Public Services read the Executive Summary.

**Questions:**

**Q:** Is local government responsible for all of the right of way?

**A:** This probably will not require it.

**Q:** Will it be a concrete bridge and are inspections done every five years?

**A:** Unless TxDOT changes their program, they are inspected and rated annually.

**Q:** What are they doing to the Louise Street bridge?

**A:** They are widening the bridge.

**Action:** Councilor Grigar made a motion, seconded by Councilor Benton to approve Resolution No. R-1877, a Resolution authorizing the City Manager to execute, for and on behalf of the City, an Advance Funding Agreement for Bridge Replacement or Rehabilitation Off the State System, by and between the City and the State of Texas, acting by and through the Texas Department of Transportation, regarding a project generally described as replacement of the W. Fairgrounds Road Bridge over Seabourne Creek. The motion carried by a unanimous vote of those present.

**7. CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1874, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE, FOR AND ON BEHALF OF THE CITY, AN INTERGOVERNMENTAL AGREEMENT, BY AND BETWEEN THE CITY AND THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) FOR PARTICIPATION IN A REGIONAL DWI TASK FORCE FROM NOVEMBER 01, 2014, TO SEPTEMBER 30, 2015.**

**Executive Summary:** The Houston-Galveston Area Council (H-GAC) is acting as the administrator for the Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) Grants. Approval of this Intergovernmental Agreement, attached as Exhibit "A" to Resolution No. R-1874, will allow the Rosenberg Police Department to participate in the DWI Task Force Program and receive overtime compensation reimbursement for officers working during selected holiday periods. The City of Rosenberg is eligible for up to \$6,000.00 in reimbursement.

Staff recommends approval of Resolution No. R-1874.

**Key discussion points:**

- Dallis Warren, Police Chief gave an overview of the item. Overtime for the Police Officers will be reimbursed through the grant program.

**Action:** Councilor Benton made a motion, seconded by Councilor Grigar to approve Resolution No. R-1874, a Resolution authorizing the Mayor to execute, for and on behalf of the City, an Intergovernmental Agreement, by and between the City and the Houston-Galveston Area Council (H-GAC) for participation in a Regional DWI Task Force from November 01, 2014, to September 30, 2015. The motion carried by a unanimous vote of those present.

**8. REVIEW AND DISCUSS PROPOSED CANCELLATION OF THE DECEMBER 23, 2014 WORKSHOP MEETING, AND TAKE ACTION AS NECESSARY.**

**Executive Summary:** Traditionally, the December Workshop is cancelled due to its proximity to the Christmas holidays. The date of the Workshop this year is scheduled for Tuesday, December 23, 2014.

It is recommended that the City Council consider cancelling the December 23, 2014 City Council Workshop meeting.

**Key discussion points:**

- Linda Cernosek, City Secretary read the Executive Summary.

**Action:** Councilor Barta made a motion, seconded by Councilor McConathy to approve cancellation of the December 23, 2014 Workshop Meeting. The motion carried by a unanimous vote of those present.

**9. ANNOUNCEMENTS.**

There were no announcements.

**10. ADJOURNMENT.**

There being no further business Mayor Pro Tem McConathy adjourned the meeting at 8:35 p.m.

  
Linda Cernosek, TRMC, City Secretary